

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

KEVIN GAMBLE,

Plaintiff,

vs

9:06-CV-1543

PATRICK MAYNARD, Prison Guard; SERGEANT
SILVER; DONAH, Prison Guard; A. BABBLE,
Prison Guard, and S. MILLER, Prison guard,
each of Clinton Correctional Facility,

Defendants.

APPEARANCES:

OF COUNSEL:

KEVIN GAMBLE
Plaintiff, Pro Se
00-A-6625
Southport Correctional Facility
P.O. Box 2000
Pine City, NY 14871

HON. ANDREW M. CUOMO
Attorney General of the
State of New York
Attorney for Defendants
Department of Law
The Capitol
Albany, New York 12224

DAVID N. HURD
United States District Judge

CHRISTOPHER W. HALL, ESQ.
Asst. Attorney General

ORDER

Plaintiff, Kevin Gamble, brought this civil rights action pursuant to 42 U.S.C. § 1983. In a Report Recommendation dated November 2, 2007, the Honorable David E. Peebles, United States Magistrate Judge, recommended that the order granting the plaintiff IFP status be vacated; and that defendants' motion to dismiss plaintiff's complaint be granted

as to all defendants and all claims unless plaintiff pays the full required filing fee of \$350.00 within thirty days after entry of the final order by the district judge addressing the recommendation. Objections to the Report Recommendation have been filed by the plaintiff.

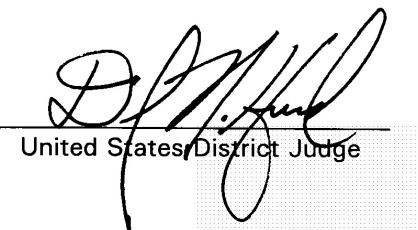
Based upon a de novo review of the portions of the Report-Recommendation to which the plaintiff has objected, the Report-Recommendation is accepted and adopted. See 28 U.S.C. 636(b)(1).

Accordingly, it is

ORDERED that

1. The order (Docket No. 4) granting the plaintiff IFP status is VACATED;
2. Defendants' motion to dismiss plaintiff's complaint is GRANTED as to all defendants and all claims unless the plaintiff pays the required filing fee of \$350.00, in full, within thirty days after entry of this order;
2. In the event the plaintiff fails to pay the necessary filing fee of \$350.00 within the required time period, the complaint will be DISMISSED in all respects without further order; and
3. The Clerk is directed to enter judgment accordingly.

IT IS SO ORDERED.



United States District Judge

Dated: January 14, 2008
Utica, New York.